

1 James R. Condo (#005867)
2 Amanda Sheridan (#005867)
3 SNELL & WILMER L.L.P.
4 One Arizona Center
5 400 E. Van Buren
Phoenix, AZ 85004-2204
Telephone: (602) 382-6000
JCondo@swlaw.com
ASheridan@swlaw.com

6 Richard B. North, Jr. (admitted *pro hac vice*)
7 Georgia Bar No. 545599
8 NELSON MULLINS RILEY & SCARBOROUGH, LLP
9 Atlantic Station
10 201 17th Street, NW, Suite 1700
Atlanta, GA 30363
Telephone: (404) 322-6000
Richard.North@nelsonmullins.com

11 *Attorneys for Defendants*
12 *C. R. Bard, Inc. and*
Bard Peripheral Vascular, Inc.

13
14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 IN RE: Bard IVC Filters Products Liability MDL NO. 15-02641-PHX-DGC
17 Litigation

18 **DEFENDANTS C. R. BARD, INC.'S**
19 **AND BARD PERIPHERAL**
20 **VASCULAR, INC.'S ANSWER AND**
GENERAL DENIAL WITH RESPECT
TO CASE NO. CV-17-00555-PHX-DGC;
JURY TRIAL DEMAND

21
22 Defendants C. R. Bard, Inc. (“Bard”) and Bard Peripheral Vascular, Inc. (“BPV”)
23 (Bard and BPV are collectively “Defendants”) hereby file this Answer and General Denial
24 with Respect to *Nancy Elizabeth Kunsak v. C. R. Bard, Inc., et al.*, AZ Member Case
25 No. CV-17-00555-PHX-DGC (“Answer and General Denial”), served according to the
26 provisions and requirements of Amended Case Management Order No. 4 (Doc. 1108).
27
28

1 Defendants further reserve the right to file any motion to dismiss for failure to state a claim
 2 with respect to this case, as set forth in Amended Case Management Order No. 4.

3 With respect to the allegations plaintiff(s) raise in *Nancy Elizabeth Kunsak v. C. R.*
 4 *Bard, Inc., et al.*, AZ Member Case No. CV-17-00555-PHX-DGC, Defendants deny,
 5 generally and specifically, each and every allegation in plaintiff(s)' Complaint, the whole
 6 thereof, and each and every cause of action therein. Defendants further deny that the
 7 plaintiff(s) has sustained, or is entitled to recover, damages in any amount alleged or in any
 8 sum whatsoever. Defendants further deny that they are liable to the plaintiff in any amount,
 9 and further deny that the plaintiff has sustained injury, damage, or loss by reason of any act or
 10 omission by Defendants.

11 As for additional defenses, and without assuming any burden of pleading or proof that
 12 would otherwise rest on plaintiff(s), Defendants incorporate by reference the responses and
 13 Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in
 14 MDL 2641 on December 17, 2015 (Doc. 366). Defendants further reserve the right to raise
 15 such other affirmative defenses as may be available or apparent during discovery or as may
 16 be raised or asserted by other defendants in this case. Defendants have not knowingly or
 17 intentionally waived any applicable affirmative defense. If it appears that any affirmative
 18 defense is or may be applicable after Defendants have had the opportunity to conduct
 19 reasonable discovery in this matter, Defendants will assert such affirmative defense in
 20 accordance with the Federal Rules of Civil Procedure.

21 **REQUEST FOR JURY TRIAL**

22 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. demand a trial by jury
 23 on all issues appropriate for jury determination.

24 **WHEREFORE**, Defendants aver that the plaintiff(s) is/are not entitled to the relief
 25 demanded in the plaintiff(s)' Complaint, and these Defendants, having fully answered, pray
 26 that this action against them be dismissed and that they be awarded their costs in defending
 27 this action and that they be granted such other and further relief as the Court deems just and
 28 appropriate.

This 24th day of February, 2017.

s/Richard B. North, Jr.

Richard B. North, Jr.

Georgia Bar No. 545599

NELSON MULLINS RILEY & SCARBOROUGH, LLP

Atlantic Station

201 17th Street, NW / Suite 1700

Atlanta, GA 30363

PH: (404) 322-6000

FX: (404) 322-6050

Richard.North@nells

James R. Condo (#00586)
Amanda Sheridan (#02736)

Amanda Sheridan (#027360)
SNELL & WILMER, L.L.P.

SNELL & WILMER L.L.P.
One Arizona Center

One Arizona Center
400 E. Van Buren

400 E. Van Buren
Phoenix, AZ 85001

Phoenix, AZ 85004-2204
DII: (602) 382-6000

PH: (602) 382-6000
ICando@swlaw.com

JCondo@swlaw.com
ASheridan@swlaw.com

ASheridan@swlaw.com

Attorneys for Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 24, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Richard B. North, Jr.
Richard B. North, Jr.
Georgia Bar No. 545599
NELSON MULLINS RILEY & SCARBOROUGH, LLP
Atlantic Station
201 17th Street, NW / Suite 1700
Atlanta, GA 30363
PH: (404) 322-6000
FX: (404) 322-6050
Richard.North@nelsonmullins.com

Attorney for Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.